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June 30, 2006

Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Room TWB-204
Washington, DC 20554

Re: Request for Waiver—MB Docket No. 03-15
Lingard Broadcasting Corporation
WLOV-DT, West Point, Mississippi
(Facility ID No. 37732)

Dear Ms. Dortch:

Consistent with the Commission's *Public Notice, DTV Channel Election Issues – Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline*, DA 06-1255 (released June 14, 2006), and Section 1.3 of the Commission's Rules, Lingard Broadcasting Corporation ("Lingard"), permittee of Station WLOV-DT, DTV Channel 16, West Point, Mississippi, hereby requests a waiver of the Commission's July 1, 2006 ("Use-it-or-Lose-it) Replication/Maximization Interference Protection Deadline.¹

In its *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television*, 19 FCC Rcd 18279, 18314-15, para.

¹ Consistent with that *Public Notice*, there is being filed contemporaneously herewith, the Request of Lingard Broadcasting Corporation for Further Extension of Special Temporary Authority to permit it to continue to operate with less than its fully authorized DTV power while still placing a City Grade signal over its community of license, West Point, Mississippi.

78 (2004) (citations omitted) (“*Second DTV Periodic Review Report and Order*” or “*Order*”), the Commission stated that:

“ . . . a licensee that fails to satisfy the relevant replication/maximization

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requirements will lose interference protection to the unused portion of its proposed service area as of the applicable interference protection deadline. In addition, a licensee failing to meet the deadline will lose the ability to “carry over” that interference protection to its post-transition channel (*e.g.*, its in-core NTSC channel or other channel awarded pursuant to the channel election process).

However, the Commission also noted that it “may grant a waiver of the deadline” for six (6) months, “if the licensee can demonstrate that it is unable to provide the required service because of . . . circumstances beyond its control.” ²

In its Request for Further Extension of Special Temporary Authority (“STA”), Lingard noted that during previous testing of a new power supply and the IOT (Inductive Output Tube) transmitter, along with the existing WLOV-DT antenna, it was determined that the existing antenna could not handle the Effective Radiated Power specified in the WLOV-DT Construction Permit (FCC File No. BPCDT-19991022ABH). Initially, it was felt that the solution might necessitate use of a new, expensive antenna. However, upon exploring possible alternatives, it was subsequently determined that a more cost effective and practical solution would be to employ a new transmitter and amplifiers. An order was placed for the transmitter with Microwave Service Manufacturing, Inc., a small, independent equipment manufacturer in Saltillo, Mississippi. Unfortunately, within the last two months or so, the Director of Engineering of Microwave Service Manufacturing, Inc. resigned, and its President and founder, died. As a result, the company is now defunct, and the transmitter was never completed, let alone delivered and installed. Unfortunately, these totally unforeseen circumstances have caused a major, unexpected setback to Lingard’s construction and installation plans.

To address the transmitter problem, Lingard has ordered the necessary transmitter and associated equipment from Acorn Rf, an equipment supplier located in South Casco, Maine. In turn, Acorn Rf is obtaining the equipment from

² *Order*, 19 FCC Rcd at 18318-19, para. 87.

the manufacturer, Thales Broadcast & Multimedia Inc., of Southwick, Massachusetts. However, Thales has advised Acorn by letter of June 12, 2006, and Acorn has advised Lingard, that:

“[d]ue to the high demand for the manufacture and installation of digital products at this time, we do not have the resources to meet a July 1, 2006 on-air date. We anticipate at this time that the equipment will ship tentatively by September 6, 2006.”³

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Not only were these circumstances unforeseen by Lingard, but it is patently obvious that they were beyond its control. Because of these unforeseen circumstances, and the attendant delay in receiving the transmitter and associated equipment, Lingard is not able to complete construction to operate at fully authorized power by the July 1, 2006, “use-it-or-lose-it” deadline. Accordingly, Lingard Broadcasting Corporation respectfully requests a waiver of the Commission’s July 1, 2006 Replication/Maximization Interference Protection Deadline for a period of six (6) months, to and including December 31, 2006.

Should any questions arise in connection with this matter, in accordance with Section 1.12 of the Commission’s Rules, please communicate directly with undersigned counsel.

Very truly yours,

/s/ **Robert E. Levine**

Robert E. Levine
Counsel for
LINGARD BROADCASTING
CORPORATION

REL/wl

³ A copy of the letter from Thales Broadcast & Multimedia Inc. to Acorn Rf is attached hereto as Attachment A.

cc: Shaun Maher